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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,720	05/31/2006	Reinhard Weiberle	10191/4272	7923
26646	7590	07/28/2008	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			BURCH, MELODY M	
		ART UNIT	PAPER NUMBER	
		3683		
			MAIL DATE	DELIVERY MODE
			07/28/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/549,720	WEIBERLE ET AL.
	Examiner	Art Unit
	Melody M. Burch	3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 21 April 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 9-16 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 10. The phrase “at least one of the second communication device and the third communication device is identical to the first communication device” in lines 2-3 is confusing in light of the recitation of “wherein the first, second and third communication devices are distinct” in the last line of amended claim 9. Clarification is required. The remaining claim is rejected due to their dependency from claim 10.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art figure 3 in view of DE-19937156 (DE'156).

Re: claim 9. Admitted Prior Art figure 3 shows a decentralized electrical braking system (decentralized in the sense that the system function is not distributed solely to

one central communication device 14 but instead to a plurality of communication devices 14,14', for example), comprising: at least three sensors S1-S3 for sensing an actuation of a brake actuating device; at least four wheel-braking modules 10, each wheel-braking module being assigned to a corresponding vehicle wheel and acquiring sensor data and controlling braking of the corresponding vehicle wheel; at least one first communication device 14 connecting all four wheel-braking modules to one for exchange of data; an electrical connecting device 12 for connecting each sensor to at least one wheel-braking module via intervening elements; and at least one of a second communication device 14' and a third communication device 15 for facilitating at least one of receiving and exchanging data between at least two wheel-braking modules associated with opposite lateral sides of the vehicle, wherein the first, second and third communication devices are distinct.

Admitted Prior Art figure 3 is silent with regard to the sensors being at least four. DE'156 teaches in the English abstract and in the figure the use of at least four activation detecting sensors S1-S4 in an electrical braking system.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the at least three sensors of Admitted Prior Art figure 3 to have included at least four sensors, as taught by DE'156, in order to increase system redundancy in order to improve overall product reliability.

Re: claim 10. Examiner notes that Admitted Prior Art figure 3, as modified, teaches APA figure 3 the limitation wherein the at least one of the second communication device and the third communication device is identical to the first

communication device, particularly the second communication device, and each sensor being connected to two wheel-braking modules associated with opposite lateral sides of the vehicle, on the same axle via intervening elements as shown in figure 3.

Re: claims 11-14 and 16. Examiner notes that the connections are by way of intervening elements, as broadly recited.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Admitted Prior Art figure 3 in view of DE-19937156 (DE'156) as applied to claim 11 above, and further in view of DE-19918995 (using US Patent 6684146 to Hedenetz as an English equivalent).

APA figure 3, as modified, is silent with regards to the presence of a device for determining an actuation strength of the brake actuating device.

Hedenetz teaches in figure 1a the use of a device 10 for determining an actuation strength of a brake actuating device 11.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the braking system of APA figure 3, as modified, to have included a device for determining an actuation strength of a brake actuating device, as taught by Hedenetz, in order to provide a means of controlling the brake feel to provide a more comfortable ride for the operator and passengers.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on 571-272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

mmb
July 22, 2008

/Melody M. Burch/
Primary Examiner, Art Unit 3683